



REGULATORY SERVICES COMMITTEE

12 November 2015

REPORT

Subject Heading:

P0760.15 - 268-272 North Street,
Romford

Additional storey and conversion of
existing first floor office to create a total of
8 flats. (Received 27/05/15 and revisions
received 15/07/15, 14/09/15)

Ward:

Pettits

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Policy context:

Local Development Framework
The London Plan
National Planning Policy Framework

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for []
- People will be safe, in their homes and in the community [X]
- Residents will be proud to live in Havering [X]

SUMMARY

This application was presented to the Regulatory Services Committee meeting on 1st October 2015 with a recommendation for approval. Following a debate, the Committee resolved to defer the application to enable Officers to negotiate a reduction in number of units from 8 to 7 in order to improve density and the scheme's wider compliance with guidance, space standards and amenity. The applicant has declined to reduce the amount of units as it would not be viable and has requested that the current application for 8 units be determined in its current form.

The proposals before the Committee are the same as those previously presented on 1st October 2015 and comprise an additional storey to the existing two-storey building and the creation of 5 x 2-bed and 3 x 1-bed apartments with the retail unit retained on the ground floor.

The application raises considerations in relation to the impact on the character and appearance of the streetscene, the impact on the residential amenity of the future occupants and of neighbouring residents and the suitability of the proposed parking and access arrangements.

The proposal is considered to be acceptable in all material respects and it is recommended that planning permission is granted subject to conditions and the applicant entering into a Section 106 Agreement.

RECOMMENDATIONS

That the Committee notes that the development proposed is liable for the Mayor's Community Infrastructure Levy (CIL) in accordance with London Plan Policy 8.3 and that the applicable fee is based on an internal gross floor area of 180m² and amounts to £3,600.

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- A financial contribution of £48,000 to be used for educational purposes
- All contribution sums shall include interest to the due date of expenditure and all contribution sums to be subject to indexation from the date of completion of the Section 106 agreement to the date of receipt by the Council.
- The Developer/Owner pay the Council's reasonable legal costs in association with the preparation of a legal agreement, prior to completion of the agreement, irrespective of whether the legal agreement is completed.

- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That the Head of Regulatory Services be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below:

1. Time Limit

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. In Accordance with Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans detailed on page 1 of the decision notice approved by the Local Planning Authority.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted.

4. Parking Provision

Before any of the flats hereby permitted are first occupied, the car parking provision shall be laid out to the full satisfaction of the Local Planning Authority and be made available for 8 no. car parking spaces and thereafter this car parking provision shall remain permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that car parking accommodation is made permanently available to the standards adopted by the Local Planning Authority in the interest of highway safety, and that the development accords with the Development Control Policies Development Plan Document Policy DC33.

5. External Materials

No works shall take place in relation to any of the development hereby approved until samples of the external finishing materials, which shall match those of the existing building(s) are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the external finishing materials to be used. Submission of samples prior to commencement will safeguard the appearance of the premises and the character of the immediate area and will ensure that the development accords with the Development Control Policies Development Plan Document Policies DC54 and DC61.

6. Landscaping

No works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

Reason: Insufficient information has been supplied with the application to judge the appropriateness of the hard and soft landscaping proposed. Submission of a scheme prior to commencement will ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61. It will also ensure accordance with Section 197 of the Town and Country Planning Act 1990.

7. Refuse and Recycling

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use will protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

8. Cycle Storage

No building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to demonstrate what facilities will be available for cycle parking. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use is in the interests of providing a wide range of facilities for non-motor car residents and sustainability.

9. Noise Insulation (Flats)

The building(s) shall be so constructed as to provide sound insulation of 45 DnT,w + Ctr dB (minimum value) against airborne noise and 62 L'nT,w dB (maximum values) against impact noise to the satisfaction of the Local Planning Authority.

Reason: To prevent noise nuisance to adjoining properties with Development Control Policies Development Plan Document Policies DC55 and DC61.

10. Hours of Construction

All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

Reason: To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

11. Secure By Design

No works shall take place in relation to any of the development hereby approved until a full and detailed application for the Secured by Design award scheme is submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason: Insufficient information has been supplied with the application to judge whether the proposals meet Secured by Design standards. Submission of a full and detailed application prior to commencement is in the interest of creating safer, sustainable communities and to reflect guidance in Policies CP17 and DC63 of the Core Strategy and Development Control Policies Development Plan Document and the NPPF.

12. Construction Methodology

Before development is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Statement to control the adverse impact of the development on the

amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

- a) parking of vehicles of site personnel and visitors;
- b) storage of plant and materials;
- c) dust management controls;
- d) measures for minimising the impact of noise and ,if appropriate, vibration arising from construction activities;
- e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- f) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
- g) siting and design of temporary buildings;
- h) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

And the development shall be carried out in accordance with the approved scheme and statement.

Reason: Insufficient information has been supplied with the application in relation to the proposed construction methodology. Submission of details prior to commencement will ensure that the method of construction protects residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

13. Noise Assessment

Prior to the commencement of any development an assessment shall be undertaken of the impact on road noise emanating from (North Street and the A12 Eastern Avenue) upon the development in accordance with the methodology contained in the Department of Transport/Welsh office memorandum, "Calculation of Road Traffic Noise", 1988. Reference should be made to the good standard to be found in the World Health Organisation Document number 12 relating to community noise and BS8233:1999. Following this, a scheme detailing measures, which are to protect occupants from road noise shall be submitted to, and approved in writing by the Local Planning Authority and shall be implemented prior to occupation.

Reason: Insufficient information has been supplied with the application in relation to the impact of road noise emanating from the A12. Submission of details prior to commencement will ensure that a noise assessment will evaluate the potential impact on residential amenity. It will also ensure that the development accords the Development Control Policies Development Plan Document Policy DC61.

14. Obscure glazing

The proposed second floor window in the northern elevation serving the kitchen/lounge/dining area and the proposed windows at second floor to plot 3 serving a bathroom and a bedroom shall be permanently glazed with obscure glass.

Reason:

In the interests of privacy, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

15. Balconies

The flat roof area on the first and second floor shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:

In the interests of the amenity of the occupiers of neighbouring dwelling, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

16. Wheel washing

Before the development hereby permitted is first commenced, vehicle cleansing facilities to prevent mud being deposited onto the public highway during construction works shall be provided on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained thereafter and used at relevant entrances to the site throughout the duration of construction works. If mud or other debris originating from the site is deposited in the public highway, all on-site operations shall cease until it has been removed.

The submission will provide;

a) A plan showing where vehicles will be parked within the site to be inspected for mud and debris and cleaned if required. The plan should show where construction traffic will access and exit the site from the public highway.

b) A description of how the parking area will be surfaced, drained and cleaned to prevent mud, debris and muddy water being tracked onto the public highway;

c) A description of how vehicles will be checked before leaving the site - this applies to the vehicle wheels, the underside of vehicles, mud flaps and wheel arches.

d) A description of how vehicles will be cleaned.

e) A description of how dirty/ muddy water be dealt with after being washing off the vehicles.

f) A description of any contingency plan to be used in the event of a break-down of the wheel washing arrangements.

Reason:

Insufficient information has been supplied with the application in relation to wheel washing facilities. Submission of details prior to commencement will ensure that the facilities provided prevent materials from the site being deposited on the adjoining public highway, in the interests of highway safety and the amenity of the surrounding area. It will also ensure that the development accords with the Development Control Policies Development Plan Document Policies DC32 and DC61.

INFORMATIVES

1. A fee is required when submitting details pursuant to the discharge of conditions. In order to comply with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which came into force from 22.11.2012, a fee of £97 per request or £28 where the related permission was for extending or altering a dwellinghouse, is needed..
2. Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: In accordance with para 186-187 of the National Planning Policy Framework 2012, improvements required to make the proposal acceptable were negotiated with the agent via email on 2 July 2015. The revisions involved changing the design of the additional storey from a mansard roof design to a flat roof. The amendments were subsequently submitted on 13 July 2015.
3. The proposal is liable for the Mayor of London Community Infrastructure Levy (CIL). Based upon the information supplied with the application, the CIL payable would be £3,600.00 (this figure may go up or down, subject to indexation). CIL is payable within 60 days of commencement of development. A Liability Notice will be sent to the applicant (or anyone else who has assumed liability) shortly and you are required to notify the Council of the commencement of the development before works begin. Further details with regard to CIL are available from the Council's website.
4. In promoting the delivery of safer, stronger, sustainable places the Local Planning Authority fully supports the adoption of the principles and practices of the Secured by Design Award Scheme and Designing against Crime. Your attention is drawn to the free professional service provided by the Metropolitan Police Designing Out Crime Officers for North East London, whose can be contacted via DOCOMailbox.NE@met.police.uk or 0208 217

3813. They are able to provide qualified advice on incorporating crime prevention measures into new developments.

5. The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site comprises a two storey building which is situated to the eastern side of North Street, Romford approximately 50m from the junction with Eastern Avenue (A12). The premises currently has a retail use at ground floor and office use (B1a) at first floor.
- 1.2 The surrounding area is characterised by a mixture of commercial and residential development.

2. Description of Proposal

- 2.1. The proposal is for the addition of a second storey and a change of use of the first floor from office to residential in order to create 5 x 2-bed and 3 x 1-bed apartments.
- 2.2 The proposed additional storey would be set in at least 1m from the front and side building lines and will be finished with a flat roof. The overall height of the building would be 10.6m to the top of the flat roof.
- 2.3 On-site parking will be provided for 8 no. vehicles to the rear/side of the site with access onto Parkside Avenue.
- 2.4 Refuse storage and cycle storage would be provided next to the parking area at the rear/side of the site.

3. Relevant History

- 3.1 P0593.14 - Additional storey to part of existing building to create three residential flats - Withdrawn

- 3.2 J0005.13 - Prior approval request for a change of use from office to residential of the first floor only - Prior approval not required
- 3.3 P1231.13 - External alterations to north elevation to create a first floor courtyard - Approved with conditions

4. Consultations/Representations

4.1 Neighbour notification letters were sent to 22 properties and 4 letters of objection were received. The comments can be summarised as follows:

- Overlooking neighbouring garden.
- Not enough parking in the area.
- Disruption, noise and dirt as a result of proposed construction works.
- Proposal would have a negative impact on ground floor business and its customers.
- Loss of light to garden.
- Proposal would impact on the service provision, patient confidentiality and security for the adjacent medical premises.
- Overdevelopment of the site affecting the character of the neighbourhood.
- Overbearing and out of character in the streetscene

4.2 The following consultation responses have been received:

- Environmental Health – no objection, recommended conditions in relation to noise insulation and a noise assessment.
- Highways - no objection in principle, requested a condition for vehicle cleansing and a construction method statement

5. Relevant Policies

5.1 Policies CP1 (Housing Supply), CP2 (Sustainable Communities), CP17 (Design), DC2 (Housing Mix and Density), DC6 (Affordable Housing), DC11 (Non-designated Sites), DC32 (The Road Network) DC33 (Car Parking), DC34 (Walking), DC35 (Cycling), DC36 (Servicing), DC53 (Contaminated Land), DC55 (Noise), DC61 (Urban Design), DC63 (Delivering Safer Places) and DC72 (Planning Obligations) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document are considered to be relevant.

5.2 Other relevant documents include the Residential Design SPD, the Sustainable Design and Construction SPD, Planning Obligation SPD (Technical Appendices)

5.3 Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 3.8 (housing choice), 3.9 (mixed and balanced communities), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing), 3.13 (affordable housing thresholds), 5.2 (minimising carbon dioxide emissions),

5.3 (sustainable design and construction), 5.7 (renewable energy), 5.13 (sustainable drainage), 5.16 (waste self sufficiency), 5.21 (contaminated land), 6.1 (strategic transport approach), 6.3 (assessing effect on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.3 (designing out crime), 7.4 (local character), 7.6 (architecture), 7.14 (improving air quality), 7.15 (reducing noise and enhancing soundscapes) and 8.2 (planning obligations) of the London Plan, are material considerations.

- 5.4 The National Planning Policy Framework, specifically Sections 4 (Promoting sustainable transport), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design) and 8 (Promoting healthy communities) are relevant to these proposals.

6. Staff Comments

- 6.1 The main considerations relate to the principle of the development, the impact on the character and appearance of the streetscene, the implications for the residential amenity of the future occupants and of nearby houses and flats and the suitability of the proposed parking and access arrangements.

6.2 Principle of Development

- 6.2.1 The provision of additional housing is consistent with the NPPF and Policy CP1 as the application site is within a sustainable location in an established urban area.
- 6.2.2 The proposal is for the redevelopment of first floor offices to residential use and an additional floor for residential use. The site is not designated as Green Belt land, an employment area, or within Romford town centre in the Development Plan.
- 6.2.3 On this basis the proposal is considered to be policy compliant in land use terms and its use for residential purposes is therefore regarded as being acceptable in principle.

6.3 Density/ Layout

- 6.3.1 Policy DC2 of the LDF provides guidance in relation to the dwelling mix within residential developments. Policy DC61 states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.
- 6.3.2 The proposal would provide no8 residential flats at a density equivalent to approximately 84 dwellings per hectare. This is in excess of the aims of Policy DC2 which states that a dwelling density of between 50 to 80 dwellings per hectare would be appropriate in this location. Although the number of units per hectare is in excess of the recommended range consideration should be given to the site constraints and the proposal being for flatted development, which naturally gives rise to higher density development.

- 6.3.3 Policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To this end Policy 3.5 requires that new residential development conforms to minimum internal space standards.
- 6.3.4 For one-bedroom flats for two people the spacing requirement is set at 50 square metres. For two-bedroom flats the minimum standard is set at 61 square metres for three occupants and 70 square metres for four occupants.
- 6.3.5 The proposal would provide residential units with varying floor space sizes all of which but two meet or exceed the respective minimum standards as per the proposed number of rooms and number of occupants they are intended to serve. Although a 1-bed unit and 2-bed unit at first floor would fall slightly below the minimum guidance Officers consider that an objection would be difficult to substantiate on this ground alone bearing in mind that these units are situated within the part of the building which benefits from permitted development rights to convert the from office accommodation to residential.
- 6.3.6 The Residential Design SPD states that private amenity space should be provided in single, usable, enclosed blocks which benefit from both natural sunlight and shading.
- 6.3.7 It is acknowledged that the proposed development does not make provision for amenity provision however it should be noted that the existing first floor can be converted from office use to residential units under permitted development without the requirement for amenity space. Also, given the existing site constraints it is not possible to provide balconies or a garden amenity area. Officers do not consider the lack of amenity space to be sufficient to refuse the proposal in this case, however Members may attach different degree of weight to the lack of sufficient amenity provision.

6.4 *Design/Impact on Streetscene*

- 6.4.1 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 6.4.2 The main impact in terms of the streetscene along North Street relates to resultant character and appearance of the building which would increase from a 2-storey to a 3-storey building.
- 6.4.3 It is acknowledged that the additional storey would result in a building that is higher in the streetscene compared to the adjacent properties however this would be mitigated by the setback of a minimum of 1m from the first floor front and side building lines and that it only covers part of the second floor plate. The proposal would be of similar height to a 3-storey development approved under P1707.11 which is situated approximately 90m from the subject site on the corner of Eastern Avenue West and Hainault Road. The

proposal is considered to improve the existing dated 1960's brick elevation by providing a more articulated and modern building.

6.4.4 As such it is considered that the proposed development would be sympathetic to the immediate and wider setting, resulting in a positive impact on the character and appearance of the streetscene and surrounding area in accordance with policy DC61 and the Residential Design SPD.

6.5 *Impact on Amenity*

6.5.1 The Residential Design SPD states that new development should be sited and designed such that there is no detriment to existing residential amenity through overlooking and/or privacy loss and dominance. Policy DC61 reinforces these requirements by stating that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing properties.

6.5.2 The main consideration in terms of residential amenity relates to the impact on the occupants of the residential dwellings to the east and south of the application site and the medical centre to the north

6.5.3 The existing elevations have two large office windows to the eastern elevation at first floor. The proposed development would result in an improvement to this elevation as one of these windows would be subdivided into 2 no. obscure glazed windows. Officers therefore do not consider the impact to be worse than that which is currently experienced; it would, in fact, be improved. The additional storey would also introduce windows to this elevation however these windows would serve a landing and bathroom and will be conditioned to be obscure glazed. The additional storey is well set in from the eastern boundary (20m) and would therefore not result in a loss of light to the rear garden of the nearest residential property at No. 1 Parkside Avenue.

6.5.4 The proposal is not considered to result in an impact on neighbouring amenity to the south as there would be a separation distance of 15m between the subject building and this neighbouring property. It should also be noted that there are existing south facing windows at first floor. Officers do not consider the addition of south facing windows on the second floor to result in unacceptable impact given the existing south facing fenestration.

6.5.5. Officers acknowledge that there would be some loss of light to the property to the North, however it is judged that the impact would be acceptable given the non-residential nature of the Health Centre and the existing close proximity of the Health Centre to the subject building. In term of overlooking only two additional windows are introduced to the northern elevation at second floor which is a secondary window to the living room and a window to a bedroom. The proposed secondary window will be conditioned to be obscure glazed and the bedroom window is well set back (3.15m) from the northern first floor building line and would not result in a harmful impact.

6.5.6 It is considered that the proposed development would not harm the amenities of neighbouring properties and would provide acceptable living conditions for the future occupants. The proposal is therefore in accordance with Policy DC61, the Residential Design SPD and the intentions of the NPPF.

6.6 *Environmental Issues*

6.6.1 Environmental Health has raised no objection to the proposal provided that the development is constructed with suitable sound insulation and a noise assessment is completed in order to determine the impact of road noise emanating from North Street and the A12.

6.7 *Parking and Highway Issues*

6.7.1 Policy DC33 seeks to ensure all new developments make adequate provision for car parking. Under Policy DC2 the Public Transport Accessibility Level (PTAL) for the site is set at 3 meaning that the site is classified as having relatively good access to public transport. Therefore flatted development in this location is required to provide car parking provision of 1.5-1 spaces per unit.

6.7.2 The proposal can demonstrate a total of 8 no. off-street car parking spaces within the site to cater for the proposed 8 no. residential flats. The car parking provision would be arranged to the side of the development. The parking provision would result in a ratio of 1 parking space per unit which is considered acceptable for a flatted development and in accordance with Policy DC2.

6.7.3 Refuse and recycling is provided to the side of the car park. Existing access off Parkside Avenue would be retained.

6.7.4 It is therefore considered that the proposed car parking and access arrangements are acceptable and would not result in highway safety or parking/ servicing issues.

6.8 *Mayoral Community Infrastructure Levy*

6.8.1 The proposed development will create 8 no new residential units with 180 square metres of new gross internal floorspace. Therefore the proposal is liable for Mayoral CIL and will incur a charge of £3,600.00 subject to indexation based on the calculation of £20.00 per square metre.

6.9 *Infrastructure Impact of Development*

6.9.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regs) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 6.9.2 Policy DC72 of the Council's LDF states that in order to comply with the principles as set out in several of the Policies in the Plan, contributions may be sought and secured through a Planning Obligation. Policy DC29 states that the Council will seek payments from developers required to meet the educational need generated by the residential development. Policy 8.2 of the Further Alterations to the London Plan states that development proposals should address strategic as well as local priorities in planning obligations.
- 6.9.3 In 2013, the Council adopted its Planning Obligations Supplementary Planning Document which sought to apply a tariff style contribution to all development that resulted in additional residential dwellings, with the contributions being pooled for use on identified infrastructure.
- 6.9.4 There has been a recent change to the effect of the CIL Regs in that from 6th April 2015, Regulation 123 of the CIL Regs states that no more than 5 obligations can be used to fund particular infrastructure projects or infrastructure types. As such, the SPD, in terms of pooling contributions, is now out of date, although the underlying evidence base is still relevant and up to date for the purposes of calculating the revised S106 contributions.
- 6.9.5 The evidence background to the SPD, contained in the technical appendices is still considered relevant. The evidence clearly show the impact of new residential development upon infrastructure - at 2013, this was that each additional dwelling in the Borough has a need for at least £20,444 of infrastructure. Therefore, it is considered that the impact on infrastructure as a result of the proposed development would be significant and without suitable mitigation would be contrary to Policy DC72 of the LDF and Policy 8.2 of the London Plan.
- 6.9.6 Furthermore, evidence clearly shows a shortage of school places in the Borough - (London Borough of Havering Draft Commissioning Plan for Education Provision 2015/16-2019/20). The Commissioning report identifies that there is no spare capacity to accommodate demand for secondary, primary and early years school places generated by new development. The cost of mitigating new development in respect to all education provision is £8,672 (2013 figure from Technical Appendix to SPD). On that basis, it is necessary to continue to require contributions to mitigate the impact of additional dwellings in the Borough, in accordance with Policy DC29 of the LDF.
- 6.9.7 Previously, in accordance with the SPD, a contribution of £6000 per dwelling was sought, based on a viability testing of the £20,444 infrastructure impact. It is considered that, in this case, £6000 towards education projects required

as a result of increased demand for school places is reasonable when compared to the need arising as a result of the development.

6.9.8 It would therefore be necessary to require a contribution to be used for educational purposes. Separate monitoring of contributions would take place to ensure that no more than 5 contributions are pooled for individual projects, in accordance with CIL legislation. It is considered that a contribution equating to £6000 for educational purposes would be appropriate.

7. Conclusion

7.1 Having regard to all relevant factors and material planning considerations Staff are of the view that this proposal would be acceptable.

7.2 Staff consider that the proposed development raises considerations in relation to the impact on the character and appearance of the streetscene and the impact on the amenity of the neighbouring residents. The proposal is considered to be acceptable in all material respects.

IMPLICATIONS AND RISKS

Financial implications and risks:

Financial contributions are required through a legal agreement.

Legal implications and risks:

Legal resources will be required to prepare and complete the legal agreement.

There is a risk that the weight accorded to the Development Plan Policy and Supplementary Planning Document on Planning Obligations may be challenged at appeal or through judicial challenge.

Human Resources implications and risks:

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to equality and diversity.

BACKGROUND PAPERS

Application form, drawings and supporting statements received on 31 March 2015,
revision received on 3 June 2015, 05 August 2015 and 14 September 2015.